

UNITED STATES DISTRICT COURT

for the
District of Oregon

In the Matter of the Search of

*(Briefly describe the property to be searched
or identify the person by name and address)*A white Dodge Avenger bearing Yakima Nation license
plate YN 7604, as described in Attachment A

)}

Case No. 3:24-mc-1175

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (*identify the person or describe the property to be searched and give its location*):

A white Dodge Avenger bearing Yakima Nation license plate YN 7604, currently located at 675 NW Cherry Lane Madras, Oregon 97741, as described in Attachment A hereto.

located in the _____ District of _____ Oregon _____, there is now concealed (*identify the person or describe the property to be seized*):

The information and items set forth in Attachment B hereto.

The basis for the search under Fed. R. Crim. P. 41(c) is (*check one or more*):

- evidence of a crime;
- contraband, fruits of crime, or other items illegally possessed;
- property designed for use, intended for use, or used in committing a crime;
- a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
18, U.S.C. §§ 113(a)(3), 1152	Assault with a Dangerous Weapon
18 U.S.C. §§ 113(a)(6), 1152	Assault with Serious Bodily Injury

The application is based on these facts:

See affidavit which is attached hereto and incorporated herein by this reference.

- Continued on the attached sheet.
- Delayed notice of _____ days (*give exact ending date if more than 30 days*: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

John Nicholas Oliver, Special Agent, FBI

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
telephone at 8:11 a.m. _____ (*specify reliable electronic means*).

Date: November 13, 2024

Youlee Yim You

Judge's signature

City and state: Portland, Oregon

Youlee Yim You, United States Magistrate Judge

Printed name and title

DISTRICT OF OREGON, ss: AFFIDAVIT OF JOHN NICHOLAS OLIVER

**Affidavit in Support of an Application
Under Rule 41 for a Search Warrant**

I, John Nicholas Oliver, being duly sworn, do hereby depose and state as follows:

Introduction and Agent Background

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been since July of 2022. Prior to joining the FBI I was a police officer and detective with the Flagstaff Police Department in Arizona from July 2017 to July 2022. My current assignment is to the Portland Field Office and specifically to the Bend Resident Agency. My training and experience include the investigation of violent crimes.

2. I submit this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search a white Dodge Avenger bearing Yakima Nation license plate YN 7604, as described in Attachment A hereto, for evidence, contraband and instrumentalities of violations of Assault with a Dangerous Weapon in violation of Title 18, U.S.C. § 113(a)(3), and Assault Resulting in Serious Bodily Injury in violation of Title 18 U.S.C. § 113(a)(6) (hereinafter “Target Offenses”). As set forth below, I have probable cause to believe that such property and items, as described in Attachment B hereto, are currently located inside or on the vehicle.

3. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter. The facts set forth in this affidavit are based on my own personal knowledge, knowledge obtained from other individuals during my participation in this investigation, including other law enforcement

officers, interviews of witnesses, a review of records related to this investigation, communications with others who have knowledge of the events and circumstances described herein, and information gained through my training and experience.

Target Offenses

4. I believe there is probable cause to believe that evidence of the following violations will be found in the places to be searched:

- Title 18, U.S.C. § 113(a)(3) “Assault with a Dangerous Weapon” makes it unlawful for an individual, within the special maritime and territorial jurisdiction of the United States, to commit an assault, by intentionally striking or wounding another with a dangerous weapon, with intent to do bodily harm.
- Title 18 U.S.C. § 113(a)(6) “Assault Resulting in Serious Bodily Injury” provides in relevant part that it is unlawful for person to commit assault that results in serious bodily injury.

Jurisdiction for this crime in Indian Country is governed by 18 U.S.C. § 1153. The Confederated Tribes of the Warm Springs Indian Reservation (CTWS) is Indian Country within the special maritime and territorial jurisdiction of the United States as defined by 18 U.S.C. § 1151. Here, there is federal jurisdiction because the crimes occurred in Indian Country and were committed against an enrolled member of the Confederate Tribes of Warm Springs, namely Minor Victim 1 (MV1).

Statement of Probable Cause

5. On November 6, 2024, within the territorial boundaries of the Warm Springs Indian Reservation, Minor Victim 1 (MV1) was dropped off at the Warm Springs Fire and Safety

located at 2112 Wasco St Warm Springs Oregon at approximately 6:48 p.m. MV1 had a gunshot wound to the upper left thigh. MV1 was transported to the hospital by ambulance. A Warm Springs police officer observed the apparent gunshot wound and took a photograph of the injury. There was a dark hole on MV1's thigh with blood around the wound. MV1's pants had blood in the crotch area. There were three small holes in the high, inner left thigh of the pants. There was one hole in the back of the pants. When investigators arrived at the hospital, MV1's left leg was wrapped in a bandage. A short interview was conducted with MV1 at the hospital because MV1 was in too much pain to give a full statement. MV1 described the location and vehicle involved in the crime. MV1 advised MV1 was shot by an unknown individual in a white car with dark tinted windows.

6. On November 9, 2024, I interviewed MV1 at the hospital. MV1 stated he/she was walking north on Hollywood Boulevard on the east side of the street on the sidewalk, a location within the boundaries of the Warm Springs Indian Reservation. MV1 was approaching the streetlamp just north of the intersection of Kot-Num Road. A white or grey sedan with dark window tint was driving toward MV1 going south bound on Hollywood Boulevard. The vehicle slowed and the driver's and rear driver's side windows rolled down. MV1 did not see anyone other than the driver in the vehicle. The driver slowed down and said, "Hey, is that you?" MV1 walked into the street thinking the driver could be a friend and asked, "Who is it?" The driver stuck his arm out the window. The driver was holding a firearm that was possibly a rifle. MV1 heard a single loud bang and started to run north bound. MV1's leg went dead and had to crawl away.

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7. No bullets or casings were recovered from the scene of the incident.
8. A vehicle resembling the vehicle described by MV1 was seen by a Warm Springs officer on the reservation that night in the West Hills neighborhood, a location in the same general area of the shooting. It was a white Dodge Avenger bearing Yakama Nation plate 7604. A similar vehicle was captured by video surveillance several times between 7:00 p.m. and 8:00 p.m. driving on Hollywood Boulevard.



9. Henry ANDREWS was identified as driving a white Dodge Avenger with a Yakima Nation license plate previously by Adult Witness 1 (AW1). The same Dodge Avenger was located at ANDREWS' residence on October 23, 2024, when investigators went there to speak to ANDREWS about another investigation. The vehicle was found vacant and running as if abandoned in a hurry, and ANDREWS was not located.

10. On November 8, 2024, FBI Special Agents and WSPD officers executing an arrest warrant for ANDREWS in an unrelated case observed the white Dodge Avenger bearing

Yakima Nation license plate YN 7604 parked at a residence on the Warm Springs Indian Reservation. The Avenger was one of four cars at the residence that left at approximately 10 a.m. Police stopped the Avenger, driven by Adult Witness 2 (AW2). AW2 stated she was not the owner of the vehicle and did not know who owned the car. AW2 was told she could use the car by a woman whose last name she did not know. Police opened the trunk of the vehicle for officer safety to ensure the vehicle was clear of any person that may be hiding inside. Police observed a rifle in the trunk, pictured below. AW2 told police she was not aware of any of any firearms in the vehicle. The vehicle was locked and towed from the location to Warm Springs Police Department where it was secured with evidence tape. It was then towed to Jefferson County Sheriff's Office at 675 NW Cherry Lane Madras, Oregon 97741, where it remains in secure storage.



11. ANDREWS was located in another vehicle leaving the location and arrested. ANDREWS was provided *Miranda* warnings and questioned at the Warm Springs police station. ANDREWS initially stated he wanted an attorney but then said he was willing to speak to agents without an attorney present. ANDREWS signed a consent form stating he understood and was waiving that right to an attorney. ANDREWS denied that he had previously driven the Avenger as indicated by AW1. ANDREWS then asked for an attorney again and police terminated the

interview. ANDREWS attempted to reengage police again and advised he never understood his rights and revoked his consent made at the beginning of the interview.

12. On November 9, 2024, Adult Witness 3 (AW3), ANDREWS' parent, came to the Warm Springs Police Department and asked about the current location of ANDREWS' car. When an officer asked AW3 to describe the vehicle, AW3 stated it was a white Dodge Avenger with dark window tint.

Nature of Examination

13. I know through my training and experience that deoxyribonucleic acid (DNA) evidence and fingerprints can be collected from firearms and vehicles involved in criminal violations. I know that experts with scientific training and experience in DNA and fingerprint analysis can evaluate evidence from the scene to identify and determine whose DNA is present. Such physical evidence can help establish who handled a firearm.

14. I know through my training and experience (DNA), which is a unique genetic identifier of each human being. Further, that DNA can be extracted from these materials and scientifically tested by a qualified laboratory to determine the DNA profile of the donor. These materials contain testable DNA even after they are in a dry state. Such DNA from traced evidence can be analyzed and compared to known samples of DNA from individuals and can establish the presence or absence of a suspect from the evidence collected on the scene.

15. Based on my knowledge, training and experience I know that the FBI Lab can test items of physical evidence, fingerprints, DNA, and trace evidence to determine the identities of the human donors.

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16. I know through my training and experience that firearms may eject ammunition shells and discharged firearms may leave trace evidence in the area where they have been fired. Further, firearms may leave unique markings on bullets and cartridge casings and these markings can be compared to determine whether a firearm was used in a shooting.

17. As described above and in Attachment B, this application seeks permission to seize the vehicle and search for evidence that might be found in whatever form it is found.

18. The government has made the following prior efforts in other judicial fora to obtain evidence sought under the warrant: none.

Conclusion

19. Based on the foregoing, I have probable cause to believe, and I do believe, that the white Dodge Avenger was used in the Target Offenses, and that evidence and instrumentalities of those offenses, as described above and in Attachment B, are presently located in the white Dodge Avenger bearing Yakima Nation license plate YN 7604, which is described above and in Attachment A. I therefore request that the Court issue a warrant authorizing a search of the vehicle described in Attachment A for the items listed in Attachment B and the seizure and examination of any such items found.

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20. Prior to being submitted to the Court, this affidavit, the accompanying application, and the requested search warrant were all reviewed by Assistant United States Attorney (AUSA) Pamela Paaso. I was informed that it is AUSA Paaso's opinion that the affidavit and application are legally and factually sufficient to establish probable cause to support the issuance of the requested warrant.

By phone pursuant to Fed. R. Crim. P. 4.1
John Nicholas Oliver
Special Agent FBI

Sworn in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone at
8:11 am on November 13, 2024.

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HONORABLE YOULEE YIM YOU
United States Magistrate Judge

ATTACHMENT A

Vehicle to Be Searched

The vehicle to be searched is white Dodge Avenger, VIN 1B3LC56B89N561395, bearing Yakima Nation license plate YN 7604. The vehicle is currently in the custody of the Jefferson County Sheriff's Office, located at 675 NW Cherry Lane Madras, Oregon 97741. Below is a photo of the vehicle:



ATTACHMENT B**Items to Be Seized**

The items to be searched for, seized, and examined, are those items located in/on the white Dodge Avenger bearing Yakima Nation license plate YN 7604, referenced in Attachment A, that contain evidence, contraband and instrumentalities of violations of 18, U.S.C. § 113(a)(3) (assault with a dangerous weapon) and 18 U.S.C. § 113(a)(6) (assault resulting in serious bodily injury). The items to be seized cover the period from the date the search warrant is signed through the date of the execution of the search warrant.

1. The aforementioned list of items to be seized, searched, and examined includes:
 - a. Firearms,
 - b. Ammunition,
 - c. Firearm Accessories,
 - d. Any objects that could contain DNA evidence from the subject or victim,
 - e. Fingerprints,
 - f. Photographs,
 - g. Trace Evidence,
 - h. Items of personal property that tend to identify control or ownership of the vehicle, including but not limited to books, records, mail, receipts, registration, insurance documents, service records, identification documents, prescription medication, and clothing.
2. Any exculpatory or impeachment evidence.